

**Andover Conservation Commission Meeting Minutes
May 3, 2011**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Alix Driscoll, Commissioner Gail Ralston, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

40 Juniper Road

Present in interest: James and Betty Foley

Staff Recommendation: Approve with Negative Determination

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a 8' x 15' mud room is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only. The mudroom will be located in the front of the house and the wetlands are in the back of the house. Waivers are requested for engineered plans, contours and wetlands on the plan. The Commission added that no work is to be done in the rear of the house.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve the Waivers and Approve with a Negative Determination with the added condition that no work be done in the rear of the house. The Motion was seconded by Commissioner Ralston and unanimously approved.

15 Locke Street

Present in Interest: Elliott Brundage and Raphael Brickman

Staff Recommendation: Approve

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed landscaping work and the construction of a retaining wall is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only. There are existing haybales and silt fencing at the site. The Applicant would like to loam and seed and add red maples and mulching up to the 25 foot no-disturb. There will be no change in grade or increase in impervious area. The 40" white maple stump located within the no disturbance area to be ground down to grade. The wetland markers to remain in place and there shall be no work past them, except for the grinding of the stump. The stone infiltration device is not to be removed and the retaining wall may be rebuilt. Everything in the no build area to remain as shown on the previous plan submitted. The Applicant would also like to clean up the no disturbance area by removing large branches and fallen tree. The Applicant requests a waiver for engineered plans because they have a landscape architect plan showing exactly what is being done with no change in grade.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to approve the waiver for engineered plans and approve the plan as presented to include the grinding of the stump and compliance with the previous order as requested. The Motion was seconded by Commissioner Greenwood and unanimously approved.

8 Rindge Road

Present in Interest: Arthur and Karen Worsley

Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a replacement septic system is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and complete. The work needs to be performed under an Emergency Certification per order of the Board of Health. The site is located in the Haggetts Pond Watershed Overlay Protection District and has received relief for setback requirements from the Board of Health. Tom Carbone, Director for the Board of Health viewed the site to ensure the plan comports to the existing conditions. There is a good buffer between the existing lawn and tree line and flagging. Staff is not ruling on the wetland flagging. Most of the special conditions, including but not limited to erosion control, were incorporated in the Emergency Certification.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.2b, Neg. 3 and Neg. 6, it was seconded by Commissioner Driscoll and unanimously approved.

8 Robinswood Way**Present in Interest: Paul Heller***Staff Recommendation: Approve*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a 20' x 12' deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The Applicant is requesting waivers for contours, tree line and engineered plans. The existing deck to be removed and the foot print will be expanded. The wetland is 60-65 feet from the proposed work. The yard is flat and the holes will be hand dug, with the extra soil to be removed from the lot and deck placed on sona tubes. There will be no tree cutting and no change in grading. No construction closer than 50 feet to the wetland. Staff will assist the Applicant with the plan to show exact location and size of the deck.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to grant the waivers with conditions and Approve with conditions, it was seconded by Commissioner Driscoll and unanimously approved.

9-10 Mulberry Circle**Present in Interest: Steve Stapinski, Peter DeCarolis***Staff Recommendation: Continue to a date uncertain.*

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling.

Mr. Douglas presented this to the Commission. The filing is under both the WPA and By-Law. The lot is located in the Fish Brook Watershed Protection Overlay District. The DEP number has been issued, but is it under review. The two lots have been combined to achieve a buildable lot. Almost the entire lot is within the 75 foot no disturb zone and the proposed single family house encroaches extensively into the 50 foot no-build area. The Town put in the sewer line within the 50 foot no-disturb. Waivers are requested for the encroachment into the 50 foot no-disturb and 75 foot no-build. The roof runoff will run into a leaching pit. Porous pavement will be used as well reducing the runoff. Infiltration will be used as mitigation for the waivers. The dwelling is in compliance with zoning setbacks, but the house is within the 50 foot no disturb area. The Applicant believes there was more disturbance in the 50 foot no disturb when the sewer line was installed than will occur during construction. The following submittal requirements are missing: DEP wetland data sheets and tree line and/or trees over 10 inches in caliper on site plan.

Chairman Cooper suggested a site visit and peer review to encompass confirmation of BVW line and impact of project to resource area and the WPOD due to Fishbrook Watershed Protection Overlay District. Site visit scheduled for May 7, 2011 at 7:00am; peer review will be done; tree line and trees to be added to plan, but markers will be added at a later date.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to approve the peer review and continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

Andover Country Club

Staff Recommendation: Continue

Discussion regarding mitigation planting plan for the cutting that was performed on the site. The plan has been sent to Paul Finger, who is waiting for the revised plan.

Commissioner Ralston made a Motion to continue to May 17, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

Harold Parker State Forest Present in Interest: David Bunting

Staff Recommendation: Find insignificant

Consideration of significance of Bog Bridging over muddy trail stretches in Harold Parker State Forest. Work will extend existing Bog Bridge for bike trails and will help prohibit walking in the wetland. The new bridging will take into consideration the high water mark when being constructed.

Commissioner Greenwood made a Motion to find the work insignificant, it was seconded by Commissioner Driscoll, Commissioner Ralston abstained and the motion was approved.

Hay Bale Parish Subdivision

Staff Recommendation: Approve

Request for cessation of reporting from Commission's consultant, Jeff Bridge, until such time as construction activity commences on Lot 2.

Commissioner Driscoll made a Motion to Approve, it was seconded by Commissioner Ralston and unanimously approved.

7 Manning Way

Staff Recommendation: Approve

Request for finding of significance for a proposed masonry wall and an additional low landscape wall.

Vice Chairman Walsh made a Motion to find the change insignificant, it was seconded by Commissioner Ralston and unanimously approved.

CONSENT AGENDA:

5 Hay Bale Road – Lot 3A

Issuance of a Certificate of Compliance.

Commissioner Ralston made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

DISCUSSION ITEMS:

Extension Permit Act

Town Counsel has confirmed that the Extension Permit Act **does** apply to the Local Wetlands By-Law.

Overseers Meeting

Commissioner Ralston needs people to assist with the items needed for the Meeting, ID's need to be made, sign-in table to be occupied and t-shirts to be sold. 44 Overseers need to be re-appointed.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

69 Ballardvale Road

Ratification of Emergency Certification for failing septic system and tie-in to town sewer per order of the Board of Health.

Commissioner Ralston made a Motion to Ratify the Emergency Certification, it was seconded by Commissioner Driscoll and unanimously approved.

9-11 Bristol Lane

Ratification of Emergency Certification for water main break per order of the Department of Public Works.

Commissioner Ralston made a Motion to Ratify the Emergency Certification, it was seconded by Commissioner Driscoll and unanimously approved.

8 Rindge Road

Ratification of Emergency Certification for failing septic system per Board of Health.

Commissioner Ralston made a Motion to Ratify the Emergency Certification, it was seconded by Commissioner Driscoll and unanimously approved.

111 Highland Road

Present in Interest: Andrea Steele

Letter of notification from “Shaw” advising of the installation of a gas line to private property. This is a notification of work instead of a filing because it is to install service to a home, not maintenance in a roadway. The exemption does not apply to this work.

Vice Chairman Walsh made a Motion to require a filing for Determination of Applicability, it was seconded by Commissioner Driscoll and unanimously approved.

Overseer Appointment

Appointment of Keith Saxon as Overseer for Weathersfield/Cameron Greenspace; Booth; and Mary French Reservation.

Commissioner Ralston made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

2 Bancroft Road

Commissioner Walsh recused himself

Enforcement Order. The Water Department is responsible for the material in the wetland, however they have not done anything to move forward in correcting the problem. An Enforcement Order is needed to get the Water Department moving on this.

Commissioner Ralston made a Motion to issue the Enforcement Order, it was seconded by Commissioner Honea and unanimously approved.

5 and 14 Evergreen

Enforcement Order for unpermitted cutting in wetland and fill for roadways.

Commissioner Driscoll made Motion to issue the Enforcement Order and a fine of \$400, if plan not filed by May 30, 2011 to be in compliance, then fines will be \$200 per day. The Motion was seconded by Commissioner Honea and unanimously approved.

Outing at Fosters Pond Reservation

Mr. DeCelle informed the Commission that there will be an outing at the end of June at Fosters Pond Reservation. Large granite pieces will be placed in the water to walk on to get into canoes or kayaks as the area is all muck now.

Commissioner Driscoll made a Motion to find this insignificant, it was seconded by Commissioner Ralston and unanimously approved.

The next meeting will be held May 17, 2011 at 7:45pm.

The meeting was adjourned at 9:35pm by Motion of Vice Chairman Walsh, seconded by Commissioner Honea and unanimously approved.

Respectfully submitted,

**Lynn Viselli,
Recording Secretary**